

**ITEM 2**  
6:10 p.m.

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**CASE:** 9334ABC-15**APPLICANT:** HOM Furniture (owner and user)**LOCATION:** 7800 and 7850 Dupont Avenue South**REQUEST:**

- 1) Rezone from I-3(PD), General Industry (Planned Development) to C-3(PD), Freeway Commercial Center (Planned Development);
- 2) Major revision to Preliminary Development Plan for a 57,349 square foot addition to an existing 106,111 square foot building; and
- 3) Final Development Plan for a 57,349 square foot addition to an existing 106,111 square foot building

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**SPEAKING FOR THE APPLICANT:**Wayne Johansen, 545 138<sup>th</sup> Avenue NE**PUBLIC HEARING DISCUSSION:**

Pease presented the location of HOM Furniture, which is proposing a large expansion. The proposal includes a roof lift for a second floor, an addition to the entrance, façade improvements and landscaping. Golf Galaxy currently has a lease for part of the building and is working with the property to come up with a relocation plan. The existing zoning is I-3 and I-3(PD) General Industry(Planned Development) and will be rezoned to C-3(PD), Freeway Commercial Center(Planned Development). Reuse of the expanded site would be rather difficult, but HOM Furniture does not anticipate leaving soon. Code complying landscaping would be difficult on the site. The Code does not allow more than 25% of perimeter trees as ornamental trees. Staff supports the landscaping deviation due to the difficulty of landscaping on-site. Parking is the primary concern. The existing parking lot is proposed to remain with minimal modifications. A recent privately initiated Code amendment reduced the required parking. With the change, 253 parking spaces are required and 255 parking spaces are proposed which is code compliant. If I-494 expanded to encroach on the site, on-site parking would be below the code requirement. Most of the requested deviations are existing conditions that were granted through variances. The deviations include: building setbacks, parking setbacks, drive aisle widths, freestanding sign setback, landscape yards, perimeter landscape material, parking island widths. The new deviations include building setback and perimeter landscape material. Staff is recommending approval.

Goodrum asked if there is a building attached to the west side of the primary building and asked if there will be an impact with the proposed second level addition.

Pease said the building may not be attached; rather it may be the two buildings touch each other. For that reason, HOM will have to provide a two hour firewall for the new expansion.

The applicant prefers to find an alternative location for the user of the adjacent building but for now, the proposal is to provide a two hour firewall.

Goodrum asked if the property to the west is in support of the proposed expansion.

Pease said the applicant should address that question.

Batterson noted there is a small parcel to the west that would still be zoned I-3, General Industry and asked if that parcel is owned by the adjacent properties.

Pease said it is owned by a separate party and would remain unless they worked something out with the adjoining property owner.

Fischer asked if the applicant can donate trees or add green space to help with the landscaping deviation.

Pease said there is a cash-in-lieu-of provision in the City Code. Staff recommends adding as much greenery on site before exploring the cash-in-lieu-of option and that the number of trees meets Code requirements.

Wayne Johansen, HOM Furniture, stated they are in agreement with the adjoining property owner. The roof lift would increase the existing roof and placing greenspace on the existing roof would not be possible. He stated they meet the code requirement for landscaping. He thanked staff for their guidance.

Fischer asked if they will shut down during construction.

Johansen said they plan to be open. The proposal will raise the floors to level it out to become one structure.

The public hearing was closed via a motion.

Willette stated it will be nice to have it all on one level that is handicapped accessible.

Batterson commended the applicant for giving a large building a nice, updated look and staff for working with the applicant on a parking code amendment. It is a prime example of how applicant and staff work together.

Nordstrom said HOM Furniture is not a navigable building. The proposal will be a good reconfiguration.

Nordstrom announced the item moves to City Council on December 21, 2015.

## **ACTIONS OF THE COMMISSION:**

**M/Fischer, S/Bennett:** To close the public hearing. Motion carried 6-0.

**M/Batterson, S/Willette:** In Case 09334A-15, I move to recommend approval of the rezoning of 7800 and 7850 Dupont Avenue from I-3 and I-3(PD) to C-3(PD).  
Motion carried 6-0.

**M/Batterson, S/Willette:** In Case 09334BC-15, having been able to make the required findings, I move to recommend approval of the Preliminary and Final Development Plan for a 163,460 square-foot furniture store, subject to the conditions and Code requirements listed in the staff report.  
Motion carried 6-0.

### **RECOMMENDED CONDITIONS OF APPROVAL TO THE CITY COUNCIL:**

The Preliminary and Final Development Plan for a 163,460 square-foot furniture store (Case 09334BC-15) are subject to the following conditions being satisfied prior to issuance of grading, stormwater, or building permits:

- 1) A site development agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development;
- 2) The Grading, Drainage, Utility, Erosion Control, Traffic Control, Access, Circulation and Parking plans must be approved by the City Engineer;
- 3) A Stormwater Management Plan which meets the requirements of the City's Comprehensive Surface Water Management Plan must be provided that includes a maintenance plan to be signed by the property owner of record and filed with Hennepin County;
- 4) A Nine Mile Creek Watershed District Permit must be provided;
- 5) An Erosion Control Bond must be provided;
- 6) Sewer Availability Charges (SAC) must be satisfied;
- 7) As proposed by the applicant, the two existing freestanding signs along Clover Drive must be removed and replaced with one new freestanding sign;
- 8) A phasing plan showing appropriate access at all times during construction must be approved by the Fire Marshal;
- 9) The applicant must execute an agreement to relocate any future freestanding sign located along Clover Drive at no cost to the public in the event it encroaches into right-of-way needed for future Interstate 494 expansion.

and subject to the following ongoing conditions:

- 10) All construction stockpiling, staging, and parking take place on-site and off of adjacent public streets and public rights-of-way. Emergency service access must not be impeded throughout the construction process;
- 11) All pickup, drop-off, loading and unloading occur on site and off of public streets; and
- 12) Alterations to utilities be at the developer's expense;

and, while the use and improvements must comply with all applicable local, state and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Prior to the issuance of a building permit:

- a. Parking lot lighting plans must satisfy the requirements of Section 21.301.07 of the City Code;
  - b. Exterior building materials must be approved by the Planning Manager (Section 19.63.08);
  - c. Landscape plan must be approved by the Planning Manager and landscape surety filed (Section 19.52);
  - d. Building plans must include an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code Section 903, MN Rules Chapter 1306; MN State Fire Code Section 903);
  - e. Property must be replatted (Chapter 22);
- 2) Prior to the issuance of the Certificate of Occupancy:
- a. Unused water services must be properly abandoned. (Section 11.15);
  - b. Poured-in-place concrete curbs must be provided on the perimeter of new or revised parking lots and traffic islands (Section 19.64);
  - c. Fire lanes must be posted as approved by the Fire Marshal (MN State Fire Code Section 503.3);
- 3) All rooftop equipment must be fully screened (Section 19.52.01);
- 4) All trash and recyclable materials must be stored inside the principal building (Section 19.51);
- 5) Recyclable materials must be separated and collected (Section 10.45);
- 6) Development must comply with the Minnesota State Accessibility Code;
- 7) Sign design, with exception of the deviations noted above, must be in conformance with the requirements of Chapter 19, Article X of the City Code;